



Jamaica 161 Realty, LLC

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A BLUESTONE ORGANIZATION COMPANY

December 10, 2012

Honorable Jaclyn A. Brillling
Secretary
New York State Public Service Commission
State of New York
3 Empire State Plaza
Albany, NY 12223

Re: Petition to sub-meter electricity at building located at
90-14 161st Street, Jamaica, NY 11432

Dear Secretary Brillling,

Jamaica 161 Realty, LLC is the beneficial owner of the above-mentioned property and hereby submits this petition pursuant to 16 NYCRR § 9602 (b) to provide future sub-metering services for a new construction building ("Building"), to be located at 90-14 161st Street, Jamaica, NY 11432, which is located within the service territory of Consolidated Edison Company, Inc. ("Con Edison").

Construction is expected to begin in December, 2012 and is expected to be completed in August, 2014. Initial lease-up is expected beginning September, 2014. As of the date of this petition, there are no residential tenants. The Building will consist of (101) residential apartments: three (3) units will be affordable to individuals or families at or below forty percent (40%) of area median income ("AMI"), seventeen (17) units will be affordable at or below fifty percent (50%) of AMI, thirty-seven (37) units will be affordable at or below ninety percent (90%) of AMI, and forty-three (43) units will be affordable at or below one hundred thirty percent (130%) of AMI, plus one superintendent's unit. The mix of unit affordability and maximum income limits are pursuant to low and affordable income housing programs benefiting the project, including the NYC Housing Development Corporation's ("HDC") low income housing tax credit and new housing opportunities programs, NYC Department of Housing Preservation and Development's ("HPD") inclusionary housing program and NYC Division of Housing and Community Renewal's ("DHCR") state low income housing tax credit program. All of the units will be rent stabilized and under the jurisdiction of HDC, HPD and/or DHCR. At the base of the Building there will be some commercial space.

Each dwelling unit will be heated and cooled via individual air source electric mini-split heat pump units ("mini-split system"). An outdoor unit will be connected via individual refrigerant lines to an indoor blower unit. Studio apartments will have the heating/cooling distributed via a ceiling mounted recessed air handler. One and two bedroom apartments will have heating/cooling distributed via concealed air handlers with very short duct runs to supply the bedrooms and living rooms with conditioned air. Each apartment will have a single zone. The heating/cooling in each apartment will be controlled via a wall mounted thermostat.

Two electric meters will be installed per dwelling unit, located remotely from the unit. One meter will handle the typical lights, appliances and miscellaneous outlets throughout the unit; electric usage charges for this meter will be paid for by the unit tenant. The second meter will handle the mini-split system. From January 1 through May 31, and from October 1 through December 31 of each year, the landlord will be responsible for paying for all mini-

split system electric usage charges for this meter. From June 1 through September 30 of each year the tenant will be responsible for paying all mini-split system electric usage charges for this meter (information regarding electric charges will be included in the lease rider).

Overall usage of electricity to provide for space heating and cooling for the mini-split systems is expected to be very low due to the following:

1. The entire envelope of the Building will be comprised of air-tight, solid concrete walls poured within ICF's (insulated concrete forms) that each have 2.5" of rigid foam on each side.
2. There will be no window AC's, sleeve type AC's, or PTACS creating "holes" in the envelope of the Building.
3. Roughly 50% of the windows in the Building will be fixed. The balance will be tight sealing, awning style operating windows.
4. Individual low flow ventilation fans with adjustable window trickle vents will be used in each apartment.

Description of other energy efficiency measures that will be installed:

1. Insulated Concrete Form (ICF) Wall Construction (R-22)
2. High Performance Windows
3. Additional Roof Insulation (R-40)
4. Energy Star Appliances and Lighting (in-unit), including refrigerator, electric range and dishwasher
5. Occupancy sensors and high performance lighting (common areas)
6. Units will be air sealed and tested with blower door to energy star standards. The Building will consume at least 15% less than had it been built to current code standards of 2010 NYS ECCC.

Upon lease-up (at the initial lease-up of the building after construction completion or at subsequent vacancy lease-up), property management will conduct a tenant information meeting to review energy efficiency measures included in the units, including the distribution of a resident's manual incorporating all systems inside the apartment units (this will include the explanation of the mini-split system) and general information on green living and energy efficiency (for your reference a brochure is included in this petition).

In addition, the Owner's sub-metering plan satisfies the requirements of 16 NYCRR § 96.2 (b). Accordingly, the Owner respectfully requests the Commission approve this petition.

Economic advantages of sub-metering over direct utility metering:

The sub-metering system to be installed in the Building by QuadLogic Control Corporation ("QuadLogic") will include remote reading capabilities utilizing QuadLogic's Power Line Carrier. This communication will allow a more cost-effective sub-metering system due to the elimination of control wiring. Each of the meters will communicate daily over the existing power lines in the Building using a data collection device referred to as a Scan Transponder. The data that is sent will include the hourly usage of electricity for each apartment.

The QuadLogic sub-metering system has an advantage in that it includes fair energy cost allocation based on actual resident consumption. The QuadLogic system also includes daily data availability for usage and the convenience of a remote reading system, which makes entry to the private residences and inconveniencing the tenants not required for meter reading.

Description of the sub-metering system to be installed:

QuadLogic's Mini-Closet-5 meters measure usage in kilowatt-hours, VAR's, VA's Watts, Amps, and Power Factor. Other features of this meter include a non-volatile memory and a LCD 6-digit display screen. Additionally, the meter monitors and stores an apartment's hourly electric usage and retains the information for approximately 60 days. The system meets all requirements set forth in the ANSI C12.1 code and C12.16 American Standards Institute Code for Electricity Metering. The remote reading capability is possible through QuadLogic's Power Line Carrier, which is installed in more than 60,000 apartment units in the New York Metropolitan area. The system also

features sophisticated self-diagnostics to ensure reliable operations. It can also be upgraded to provide advanced data (see attached QuadLogic Specifications for further details).

Method to be used to calculate rates to tenants:

The rate calculation to be used is the Consolidated Edison Service Classification SC-1 for direct metered service. Specifically, a tenant's kilowatt hour (kWh) usage will be multiplied by the Consolidated Edison Service Classification SC-1 rate for a billing period, then sales tax (currently 4.5 %) will be added to arrive at the total tenant cost.

The Consolidated Edison Service Classification SC-1 rate is a combination of various items, including:

Basic Charge (Customer Charge): This is a charge for basic system infrastructure and customer-related services, including customer accounting, meter reading, and meter maintenance.

kWh Cost: This energy charge is broken down into four separate components – market supply, monthly adjustment, delivery (transmission and distribution).

Systems Benefit Charge (SBC)/Renewable Portfolio Standard (RPS)/Merchant Function Charge (MFC)/Revenue Decoupling Mechanism Adjustment (RDMA)/ Surcharge to Collect PSL: These are additional charges per kWh.

Fuel Adjustment: The sum of Market Supply Charge (MSC) and Monthly Adjustment Charge (MAC) adjustment factors.

Utility Tax: The sum of Commodity Gross Receipt Tax and Full Service Gross Receipt Tax.

Sales Tax: The current NYS sales tax.

The following is an example of the formula that will be used to derive a tenant's electricity charges based on the current Consolidated Edison Service Classification SC-1 rate and a monthly use of 250 kWh (different rates are used for the kWh exceeding 250 kWh per month):

		Total
Basic Charge		\$YY.YY
kWh	.XXXXX times 250	\$YY.YY
Systems Benefit Charge (Includes RPS, MFC, RDMA and PSL)	.XXXXX times 250	\$ Y.YY
Fuel Adjustment Charge	.XXXXX times 250	\$ Y.YY
	Subtotal	\$YY.YY
Utility Tax	.XXXXX times YY.YY	\$ Y.YY
	Subtotal	\$YY.YY
Sales Tax	YY.YY times .045000	\$ T.TT

	YY.YY plus T.TT	\$ZZ.ZZ
Tenant Cost		\$ZZ.ZZ

Con Edison rates are subject to change. These changes are posted on the Con Ed website (www.coned.com).

In no event will the total monthly rates (including a monthly administrative charge) exceed the utility's tariff residential rate for direct metered service to such residents (see 16 NYCRR § 96.2 [b] [3]).

All Con Edison rates by classification are available on its website (www.coned.com) under Rates and Tariffs. The electric Rates and Tariffs are listed under the heading "PSC No. 9" – Electric: Full Service.

Quadlogic Controls Corp., 90-14 161st Street electric billing company, will read the meters monthly and process a bill based on the actual consumption of each tenant. The meter reading data and billing calculations will be documented and maintained for a 6-year period for each unit.

Complaint procedures and tenant protection:

When a tenant has a question about electric bill or believes the electric bill is inaccurate, the following protocol will be followed:

Tenant should submit the complaint to the property manager of the Building, including the action or relief requested and/or the reason for a complaint about a sub-metering charge. The property manager shall investigate and respond to the complaint in writing within 15 days of the receipt of the complaint. The Property Manager can be contacted at NHE Management Assoc., 193-04 Horace Harding Expressway, Fresh Meadows, NY 11365 or call 718-264-1420. If the tenant and the property manager cannot reach an equitable agreement and tenant continues to believe the complaint has not been adequately addressed, then the tenant may file a complaint with the Public Service Commission through the Department of Public Service. Alternatively, tenants may contact the Department of Public Service at any time concerning sub-metered service in writing at New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223, by telephone at 1-800-342-3377, in person at the nearest office at 90 Church Street, New York, New York 10007, or via the Internet at www.dps.ny.gov.

Electric bills from QuadLogic to tenants will contain, among other things, opening and closing meter reads and dates, usage during current period, a total charge for the current period, sales tax and total amount due (see attached sample QuadLogic electric bill).

In the event of non-payment of electric charges, the Owner shall afford the tenant all notices and protections available to such tenant pursuant to the Home Energy Fair Practices Act ("HEFPA") before any action(s) based on such non-payment, including termination of service, is commenced (see attached HEFPA documents for the Building). Electric will not be treated as additional rent by the Owner.

Procedure for notifying tenants and Con-Edison of the proposal to sub-meter; lease riders; test billing:

Since the Building is under construction and is not completed, there are no tenants at this time.

Once construction is completed, and the Building has tenants occupying the apartments, a rider to the lease will notify each tenant that their apartment is sub-metered for electricity before moving into the Building. The lease

rider will explain the rate calculation, rate cap, complaint procedures, and tenant protections that comply with the HEFPA. This will include the explanation of the mini-split system.

Con-Edison will be notified at the time this petition is filed with the Public Service Commission under separate cover (see attached letter to Con Edison).

Enforcement mechanism is available to tenants:

The complaint procedures comply with the HEFPA requirements.

Certification that the lease language shall be sufficient to describe all relevant information to the tenant:

The Owner will certify that the method of rate calculation, rate cap, complaint procedures, tenant protections, and enforcement mechanism will be incorporated in all lease agreements for sub-metering (see attached lease rider).

Statement on sub-metering system capability to individually terminate electricity from each unit:

The sub-metering system is not designed to disconnect any single tenant's apartment from the utility system.

Installation of the sub-metering system:

The sub-metering system is not currently installed at this time. Expected installation of the system will begin June 2013 and continue through March 2014.

Monthly electric utility allowances will be applied to tenant rents pursuant to an allowance schedule as provided by the NYC Housing Development Corporation and are adjusted for unit size.

Number of Rooms	Direct Metering	Submetering
Studio	73	73
1 BR	75	75
2 BR	78	78

Thank you for your attention to this matter.

Sincerely,



Ira Lichtiger
Member